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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING, FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

HUMAN RIGHTS AND THE ENVIRONMENT

Report by the Secretary-General prepared in accordance with Commission resolution 1995/14

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Introduction

1. This report has been prepared pursuant to resolution 1995/14 entitled "Human rights and the environment", adopted by the Commission on Human Rights at its fifty-first session, in which the Commission recognized that environmental damage had potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living. In paragraphs 4 and 5 of that resolution, the Commission took note of the final report of the Special Rapporteur on human rights and the environment of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini, (E/CN.4/Sub.2/1994/9 and Corr.1) and requested that it be published by the United Nations in all the official languages.

2. In paragraph 8, the Commission requested the Secretary-General to submit to it, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the report of the Sub-Commission's Special Rapporteur. In accordance with that request, the Secretary-General addressed a note verbale to Governments and a letter to specialized agencies and intergovernmental and non-governmental organizations on 26 September 1995 forwarding to them the text of the final report of the Special Rapporteur and asking them for their comments and observations.

3. On 30 November 1995, replies had been received from the Governments of the following countries: Angola, Nigeria, Romania and Spain. Replies had also been received from the following United Nations departments and bodies: Department of Humanitarian Affairs - Geneva, Department for Policy Coordination and Sustainable Development, Department for Development Support and Management Services, World Food Programme, United Nations Population Fund, United Nations Research Institute for Social Development and the International Decade for Natural Disaster Reduction. Two non-governmental organizations, the World Federation of the Deaf and the International Confederation of Free Trade Unions, submitted comments.

4. Some of the material contained in the replies was simply information of a general nature and is therefore not summarized in this report. Moreover, the World Health Organization, the Permanent European Conference on Probation and Aftercare, the International Commission of Jurists and the Association of Commonwealth Universities indicated that they were not in a position to express any views on the points raised in the report of the Sub-Commission's Special Rapporteur.

5. While reaffirming principle 1 of the Rio Declaration on Environment and Development (A/Conf.151/26, vol. I), which states that human beings are at the centre of concerns for sustainable development and entitled to a healthy and productive life in harmony with nature, most of the replies received approve of and recognize the quality of the Special Rapporteur's report. Some shortcomings were also noted and suggestions made for improving it.

6. The present report thus contains a summary of all the replies received, with a view to facilitating the deliberations of the Commission on Human Rights. Any further replies will be included in an addendum to this document.

I. COMMENTS RECEIVED FROM STATES

A. Spain

[Original: Spanish]
[30 November 1995]

1. The Spanish Government welcomed the final report on human rights and the environment prepared by the Sub-Commission's Special Rapporteur. Specifically, it approves of the draft declaration of principles contained in annex I to the report, which blends two concepts: an anthropocentric view of the environment recognizing a right to the environment by and for human beings, for present and future generations, as essential for the preservation of the natural aspects of life and for the welfare of human beings - not to mention specific references to protected individual entitlements such as life, health, food, work and housing; and a fundamentally ecological view of the environment in that the draft also refers to the preservation of ecosystems (animal and plant species) in order to maintain biological diversity, so that the right to a healthy environment is taken to be a right to the conservation of nature.

2. Two observations are called for, however:

(a) The right to a healthy environment presumes that all authorities, institutions and bodies concerned with the ecology will be well informed. Consequently, the text of principle 15 is incomplete in so far as it states that "all persons have the right to information", without the slightest reference to any right of individuals to seek information on the environment. It might therefore be preferable if the beginning of principle 15 were to read: "All persons have the right to seek and receive information concerning the environment";

(b) The right to a healthy environment is highly complex from the legal point of view; however, it comprises two identifiable fundamental aspects: (i) participation in the environmental decision-making process and (ii) the obligation of States to take practical measures to create the conditions necessary to make this right a reality.

3. One shortcoming in the case of principle 18 is that it proclaims "the right to active, free and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development", which, in practice, assumes a right to make assessments of environmental impact; indeed, the text itself recognizes this right in stating that the right to participate "includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions".

4. Principle 22 of the draft deals with the obligation of States to respect and ensure "the right to a secure, healthy and ecologically sound environment" and declares that States must, to that end, adopt "administrative, legislative and other measures necessary to effectively implement the rights in this Declaration".

5. The Spanish Government takes the view that the various points in principle 22 imply an obligation on the part of States - deriving from the special nature of the right to a healthy environment - to make available the credits necessary to ensure the proper exercise of this right. Any attempt to define the right to a healthy environment reveals that, in essence, it is not a right of the individual vis-à-vis the State - as in the case of conventional public freedoms (freedom of opinion, information, assembly, etc.) which impose restrictions on State action - but a right whose exercise can be guaranteed only by concrete and specific action by the legislature or government authorities with a view to facilitating the enjoyment of it. Consequently, the realization of the right to a healthy environment today calls for considerable financial resources, so that the practical guarantee of the exercise of this right is, in the final analysis conditional upon public credits, and the establishment of an order of priorities for the use and distribution of public financial resources becomes essential for the realization of rights and possibly for the settlement of disputes as, for example, in the case of a conflict between the right to work and the right to a healthy environment.

6. For all these reasons, the principle should be worded so as to bring out the importance of respecting final programming measures, which means that the principle should not lay down hard and fast guidelines for the measures to be taken but should be worded so as to allow end-users - the States - ample leeway in the choice of measures which can be taken to achieve the intended goal, allowing for the fact that that objective is not the only one and that it may conflict with others which are just as pressing for States.

7. For this reason, it would be as well to stress the importance of final programming in principle 22 - a point which is already taken up in the second paragraph - by adding to the first paragraph something to the effect that the measures adopted by States must fall within the framework and limits of the economic, financial and budgetary policies of States. The first paragraph of principle 22 should therefore read: "22. All States shall respect and ensure the right to a secure, healthy and ecologically sound environment. Accordingly, as far as their economic, financial and budgetary policies allow, they shall adopt administrative, legislative or other measures necessary to effectively implement the rights in this Declaration".

B. Nigeria

[Original: English]
[26 October 1995]

1. The fundamental law of Nigeria contains a provision relating to the protection of the environment, which states that "the exploitation of human or natural resources other than for the good of the community shall be prohibited".

2. Nigeria hopes that the recommendation contained in paragraph 260 of the final report calling for the appointment by the Commission on Human Rights of a special rapporteur on human rights and the environment will not affect and duplicate the work and functions of the already appointed Special Rapporteur

on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (Commission on Human Rights resolution 1995/81).

3. The Government of Nigeria urges the Secretary-General to establish in the Centre for Human Rights a focal unit "with the specific task of following-up on the findings of the Special Rapporteur and other issues relating to the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights", as requested in paragraph 9 of Commission resolution 1995/81. It also requests that the names of the staff of the focal unit be communicated to it.

C. Romania

[Original: English]
[6 December 1995]

1. The report entitled "Human rights and the environment" is an important contribution to the establishment of a legal foundation for the right to an environment and points out very clearly the relationship between human rights and protection of the environment.

2. The Sub-Commission has thus succeeded in highlighting the universal value of the right to environment recognized at the national, regional and international levels.

3. From the legal standpoint, Romania has no observations to make on the draft declaration of principles on human rights and the environment as contained in annex I to the report.

4. Concerning annex III of the report entitled "Development in national legislation and practices", Romania proposes replacing the reference to its Constitution in item 49 of section A by a reference to article 134 (e) and (f) of the present Constitution. Those provisions stipulate that the State must ensure "environmental protection and recovery, as well as preservation of the ecological balance and creation of all necessary conditions for improving the quality of life". The text of item 7 in section B should be replaced by the following: "The draft law on the protection of the environment submitted for adoption to the Romanian Parliament provides in article 5 that the State recognizes the right of all persons to a healthy environment."

5. Article 60 of the same draft law stipulates that "in the process of socio-economic development, town and country planning must take account of ecological principles for the purpose of ensuring a healthy environment". Along the same lines, the article stipulates a set of obligations for local councils, private persons and public entities.

6. Finally, Law No. 82/1993 establishing the Danube Delta Biosphere Reservation provides in article 6 "Powers of the Reservation" that the Reservation supports and protects traditional economic activities of the local population and cooperates with local authorities for the protection of the interests of local inhabitants, as well as for the improvement of living

standards. Article 8 guarantees the right of the local population living in the territory of the Reservation to preserve their customs and traditional economic activities.

II. COMMENTS SUBMITTED BY UNITED NATIONS DEPARTMENTS AND BODIES

A. United Nations departments

1. Department of Humanitarian Affairs - Geneva

[Original: English]
[15 November 1995]

1. The Department of Humanitarian Affairs supports in particular the recommendation in Mrs. Ksentini's report that the various human rights bodies should examine, in the various fields of concern to them, the environmental dimension of the human rights under their responsibility. The United Nations Environment Programme and the Department of Humanitarian Affairs have already taken steps to improve the provision of international aid to affected countries and populations.

2. Many organizations are capable of providing humanitarian relief, but few have the mandate and experience to respond to some specific environmental disasters and not one has tried to integrate humanitarian and environmental response. Thus far, only two types of disaster have been covered by international arrangements: in case of nuclear accidents, assistance may be provided through the International Atomic Energy Agency (IAEA); and marine oil pollution from vessels comes under the responsibility of the International Maritime Organization (IMO).

3. Many other kinds of environmental emergency in developing countries, including industrial and chemical accidents, have remained without consistent assistance. The United Nations Environment Programme and the Department of Humanitarian Affairs have therefore sought to address that phenomenon, at the same time considering two pragmatic aspects: the fact that human populations and the environment are closely interlinked and should be considered and treated as one single structure, and the fact that international mechanisms for traditional disaster relief exist that could be used in the event of environmental disasters.

4. Moreover, in many cases, the practical form of international response would be the same in either type of emergency. A breaking dam containing toxic sludge should be repaired in any event, whether it poses a threat to fish or to people, or both. A harmful oil spill should be cleaned up, notwithstanding its exclusively environmental impact, provided that the clean-up does not cause more ecological damage than the oil. Appropriate measures should be taken with regard to an accident at a chemical plant, in spite of its impact on humans only.

5. In 1994, the United Nations Environment Programme and the Department of Humanitarian Affairs set up a UNEP/DHA Joint Environment Unit. The Unit is fully integrated in the Relief Coordination Branch of DHA, which is

responsible for the provision of assistance in case of natural disasters. The Unit is financed and staffed by UNEP. The Unit combines UNEP's expertise with DHA's special assistance mechanisms developed in its capacity as coordinator of disaster relief. This arrangement allows the United Nations to save money and avoid creating another administrative structure.

6. This project reflects the idea of the inseparable character of the environment and man and represents a very pragmatic approach which allows two major United Nations bodies to mutually reinforce their capabilities without duplicating efforts. As a result, an important gap in international assistance has been filled. Unified humanitarian-environmental international assistance is now coordinated and thus more effective. The measures taken by UNEP and the Department of Humanitarian Affairs to improve international assistance in the event of environmental emergencies are in line with the conclusions and recommendations contained in the Special Rapporteur's report on human rights and the environment.

2. Department for Policy Coordination and Sustainable Development

(a) Division for Sustainable Development

1. In the preamble to its resolution 1995/14, the Commission on Human Rights states: "Conscious of the mandate of the Commission on Sustainable Development for the implementation of Agenda 21 and of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums." As the secretariat for the Commission on Sustainable Development, the Division for Sustainable Development took a great deal of interest in the report prepared by Mrs. Ksentini. Sustainable development is defined as a process which meets equitably developmental and environmental needs of present and future generations. As the Special Rapporteur rightly points out, this "futuristic" dimension restores to human rights their original purpose as embodied in the Charter of the United Nations and the Universal Declaration of Human Rights of 1948.

2. Agenda 21 places special emphasis on the participatory approach to the issues related to the environment and development. Effective implementation of objectives, policies and mechanisms will be possible only with the genuine involvement of all social groups. This approach seems to be derived directly from the core understanding of human rights.

3. Mrs. Ksentini's report does not limit itself to questions related to the environment. It is of a broader nature and tends to tackle in detail the relation between human rights and sustainable development rather than environment. This is why the comments of the Division for Sustainable Development will concern mainly sustainable development as defined in Agenda 21, and in particular the three issues closely related to the work of the Division: the links between environment and intergenerational equity, environment and development and the participatory approach.

Environment and the rights of future generations

4. The present generation carries a special responsibility towards generations to come as trustees of nature. As such we have fiduciary obligation to manage the environment in a way which will not only not endanger the life of future generations, but which will also preserve nature's beauty and diversity. The exhaustion of certain natural resources, environmental damage, disappearance of species and rapid urbanization, all pose a tremendous threat to the well-being of future generations. The responsibility of the present generation is bigger, not only because of the damage to the environment accumulated from past and present pressures, but most of all, because the world community has become aware that the current mode of development is unsustainable and poses a real threat to the well-being of those to come. Voluntarism in taking actions for change or their default is an important aspect of the debate concerning environment and human rights.

5. Agenda 21, which means Agenda for the twenty-first century, is by definition a future-oriented document. Its chapter on changing production and consumption patterns is of particular relevance to the issue of intergenerational equity. The present mode of development denies future generations the right to inherit a healthy and clean environment. For that reason changing consumption and production patterns seem to be intrinsically linked with the issue of environment and human rights.

Environment and development

6. The Special Rapporteur rightly underlines the importance of the link between environment and development, since poverty and underdevelopment have an adverse effect that causes serious damage to the environment and everywhere impedes realization of the right to development. Preservation of the environment and the right to development are conflicting goals. The term "sustainable development" means development which is environmentally friendly and where the preservation of the environment is part of the developmental process. On the other hand, this concept assumes that pressures on the environment originating in underdevelopment constitute a threat to the environment and have to be removed.

7. Underdevelopment in many cases provokes direct violation of human rights, inter alia, through the marginalization of people which entails an inability to fully benefit from constitutional guarantees. Underdevelopment might constitute also a direct violation of the right to life and health. Agenda 21 elaborates in detail on those issues.

Environment and social participation

8. One of the principles on which Agenda 21 is built, concerns social participation. The question of human rights and the environment has been often seen from the perspective of the rights of indigenous people. Their destruction, caused by the destruction of their natural habitat, is an extreme case of violation of the right to life. Agenda 21, however, made a major step forward, not only recognizing the right of indigenous people to enjoy their

natural setting, but involving them in an active way in the improvement of their lives and the protection of the environment. This participatory approach concerns all other social groups having a particular role to play in development and the environment.

9. The Commission on Sustainable Development tries to further promote the idea of genuine involvement of major groups in the developmental processes. This commitment comes from the understanding that, without the real participation of civil society, the efforts aimed at protecting the environment and improving living conditions cannot be productive and that full enjoyment of human rights is possible only if an individual takes an active role in shaping his/her fate and that of the social group to which he or she belongs.

(b) Division for the Advancement of Women

[Original: English]
[15 November 1995]

1. The Division for the Advancement of Women is particularly interested in the relationship between women and the environment. In the Beijing Declaration and Platform for Action, Governments reaffirmed their commitment to ensuring and promoting the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

2. In the environmental sphere, the Beijing Declaration and Platform for Action have recognized that women are more than just passive beneficiaries of the right to a healthy and balanced environment. As producers, consumers, caretakers of their families and educators, they play a powerful role in promoting sustainable development. Consequently, respect for women's rights in the environmental field covers a wider range of rights such as the right to be recognized and participate in decision-making, as well as the right to have their interests and concerns taken into account in environmental policies.

3. Accordingly, the Division for the Advancement of Women wishes to suggest the following additions with a view to enriching the Special Rapporteur's final report:

(a) Paragraph 54: in the ninth line, after "poor populations", add "particularly women,";

(b) Paragraph 73: after paragraph 73, add one of the following paragraphs:

Alternative text 1

"In the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 14 September 1995, Governments expressed deep recognition that economic development, social development and environmental protection are interdependent and mutually reinforcing

components of sustainable development, which is the framework for their efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development (Declaration, para. 36)";

Alternative text 2

"In the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 14 September 1995, Governments expressed their conviction that the eradication of poverty, based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development (Declaration, para. 15)";

(c) Paragraph 82: At the end, add:

"The 1995 United Nations Fourth World Conference on Women gave special attention to indigenous women because of their recognized particular knowledge of ecological linkages and fragile ecosystem management; because their livelihood and daily subsistence depend directly on sustainable ecosystems and because they are among the most affected, along with rural women, by continuing environmental degradation (Platform for Action, paras. 36 and 250)";

(d) Paragraph 140: after "experience", read:

"as well as their active and leading roles in promoting an environmental ethic, sustainable resources use and consumption patterns and practices, women are no longer ...";

(e) Paragraphs 140 and 141: insert the following between these two paragraphs:

"Through their management and use of natural resources, women provide sustenance to their families and communities. As consumers and producers, caretakers of their families and educators, women play an important role in promoting sustainable development through their concern for the quality of life for present and future generations (Programme for Action, para. 248). In certain regions, women are generally the most stable members of the community, as men often pursue work in distant locations, leaving women to safeguard the natural environment and ensure adequate and sustainable resource allocation within the household and the community (Programme for Action, para. 250).

In both urban and rural areas, environmental degradation results in negative effects on the health, well-being and quality of life of the population at large, especially girls and women. Environmental risks in the home and the workplace may have a disproportionate impact on women's

health and are particularly high in urban areas, as well as in low-income areas where there is a high concentration of polluting industrial facilities.";

(f) Paragraph 142: in the second line, after "civil," insert "economic,";

(g) Paragraph 143: after paragraph 143, insert the following paragraph:

"The Beijing Declaration and Platform for Action adopted during the Fourth World Conference on Women agreed to take actions in different areas and levels in order to:

(a) involve women actively in environmental decision-making;

(b) integrate gender concerns and perspectives in policies and programmes for sustainable development; and

(c) strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.";

(h) Paragraph 156: add the following at the end of the paragraph:

"As expressed in the Beijing Declaration and Platform for Action, it should be taken into account that women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons."

4. A final general comment: the linkages between environment, human rights and development have been developed in the report. However, environment and population are also closely linked. The report should mention this linkage, stress the importance of the texts produced by the Cairo International Conference on Population and Development as guiding documents and refer to the enjoyment of human rights in the population field.

3. Department for Development Support and Management Services

[Original: English]
[29 November 1995]

1. In paragraph 259 of the report on human rights and the environment, the Special Rapporteur recommends that the various human rights bodies should examine, in the various fields of concern to them, the environmental dimension of the human rights under their responsibility. She goes on to suggest themes that should be regularly examined by the bodies, committees, working groups and special rapporteurs concerned.

2. The Department for Development Support and Management Services proposes that, in addition to existing international human rights mechanisms, there should be mechanisms at the national and local levels, apart from the judiciary, to monitor the human rights component of the right to a

satisfactory environment. National monitoring mechanisms are as important as existing international mechanisms for following up the application of regional and international human rights instruments if the right to environment is to be fully realized.

B. United Nations bodies

1. World Food Programme

[Original: English]
[14 November 1995]

1. As the issue of human rights is somewhat peripheral to the mandate of the World Food Programme (WFP), the comments made will concern mainly chapter II "Right to development, participatory democracy and the environment". WFP is committed to encouraging the participation of local people in the planning, implementation and monitoring of its emergency and development operations. It recognizes that development strategies have been oriented more towards economic growth or guided by financial considerations, that they have failed to achieve social justice and that it is important to accord special attention to indigenous peoples. WFP has many projects oriented towards improving the participation of minorities and ethnic groups.

2. The World Food Programme feels it important to highlight the need to encourage women to participate in decision-making processes and ensure that they have equal access to resource management, a point which appears to have been neglected or at least given little consideration in chapter II. Perhaps such strong emphasis should not be placed on the damage inflicted by development projects in general. Such projects are generally a reaffirmation of government policy and in many cases donors really have little ability to institute changes capable of affecting the status quo. This problem should be brought out and means of addressing the inability of donors to deal with human rights issues discussed.

3. In general, section C (paras. 67 to 73) could be strengthened to include other issues that affect participation and the environment. Decision-making and access to information are important issues but both assume a certain intellectual base and exclude many indigenous groups and members within those groups, for example women, from actively participating in many natural resource projects. Another important issue is committee or group selection and access to decision-making bodies. Training and extension are important aspects for developing access to decision-making which are not mentioned in the report.

2. United Nations Population Fund

[Original: English]
[30 November 1995]

1. The United Nations Population Fund (UNFPA), after studying the report on human rights and the environment, wishes to draw the Special Rapporteur's attention to the Programme of Action of the International Conference on Population and Development (Cairo, 5-13 September 1994) and, in

particular, to principles 3 (right to development) and 6 (sustainable development) in chapter II of that document, and to section C of chapter III on population and environment, particularly the principles for action (see document A/CONF.171/13/Rev.1).

2. Promoting reproductive health and reproductive rights is a key part of the work of UNFPA. With reference to paragraph 160 of the Special Rapporteur's report, UNFPA recalls the Memorandum of Understanding signed by the United Nations High Commissioner for Refugees (UNHCR) and UNFPA in June 1995 establishing the framework for collaboration for the benefit of persons in refugee situations. UNHCR and UNFPA will jointly develop strategies and programmes to meet the reproductive health needs of refugees and to promote and advocate the protection of their reproductive rights.

3. United Nations Research Institute for Social Development

[Original: English]
[7 October 1995]

1. The United Nations Research Institute for Social Development recognizes the importance of this well-researched and well-organized report which is distinguished from most United Nations publications by its academic touch. It expresses the conviction that a healthy environment should be an integral part of human rights. The argument that some human rights violations are the direct causes of environmental degradation, which in turn affects the enjoyment of human rights, is well elaborated and discussed in a balanced manner. The report shows the magnitude of environmental problems and their negative impacts on human rights. It also examines the legal measures that have been undertaken at national and international levels. Finally, it contains some sound recommendations.

2. However, one of its main shortcomings is its inability to elucidate the related difficulties in practice. Apart from the legal, technical and financial shortcomings, an approach which seeks to integrate human rights in environmental planning would need strong national and international backing. The conflict between environmental protection measures and national economic aspirations raises a number of difficult problems. Although some major vulnerable groups affected by human rights and environmental violations are considered, little mention is made of those social groups that typically make gains.

3. Another shortcoming is that most vulnerable groups are lumped together and their internal conflicts are not recognized. Members of such groups are differentiated according to age, gender, religion, wealth, social status and power. There may be severe resource-use conflicts among vulnerable groups themselves. For example, indigenous forest dwellers would like to protect the forests, while poor peasants and migrants would like to convert them to agriculture.

4. Clearly, few if any changes will take place without a strong social mobilization at grass-roots level. Which specific social groups are expected to rally behind this and what means and mechanisms will be used to mobilize them? The report is especially weak on this last point.

4. International Decade for Natural Disaster Reduction

[Original: English]
[30 November 1995]

1. The collective and individual protection of human rights against natural hazards and similar threats is the key objective of the International Decade for Natural Disaster Reduction, so that implementation of the Decade's activities contributes to securing human life and basic requirements such as food, shelter and health through a pre-disaster, preventive approach. Natural disasters affect the industrialized and developing countries alike. However, their negative impacts on social and economic well-being are most intense in the developing countries, particularly the least developed. Equally, it is invariably the vulnerable members of society who suffer most.

2. Natural disaster reduction involves measures of prevention, preparedness and mitigation, and relates also to the improvement of response capabilities in natural disaster relief. It aims at reducing the vulnerability of populations at risk by strengthening capacity at the local, national, regional and international levels and contributing to the development of a culture of prevention, thus securing basic needs and contributing to the realization of human rights.

3. The International Framework of Action for the International Decade for Natural Disaster Reduction (resolution 44/236, annex), comprising Governments, United Nations agencies and organizations and other international organizations, scientific and technical institutions and non-governmental organizations, the private sector and all other concerned sectors of society, is committed, during the Decade's remaining years, to the practical application of natural disaster reduction measures as part of countries' efforts towards sustainable development through the full implementation of Agenda 21.

4. Particular emphasis must be placed in this context on national level activities, especially full community participation. Education and training play a vital role for the full involvement of local expertise. Also, the specific requirements of the most vulnerable groups of society, namely, women, children, the elderly and disabled persons, must be taken into account when undertaking risk assessment and formulating preparedness and preventive measures.

III. COMMENTS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS

A. World Federation of the Deaf

[Original: English]
[27 November 1995]

1. The comments of the World Federation of the Deaf relate to chapters IV (sect. B) and V (sects. G, H, I and J) and refer to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (II Rule 5.b.7), adopted by the United Nations in General Assembly resolution 48/96, and the Salamanca Statement and

Framework for Action on Special Needs Education adopted by the World Conference on Special Needs Education, organized by UNESCO in Salamanca (Spain) in June 1994 (II.A.21).

2. In order to achieve full participation, access to information and equalization of opportunities for deaf people in society, sign language must be recognized as the first language of the deaf, i.e. sign language and the language of the society in which they live. There must be social acceptance and knowledge of the fact that everybody is equal, but at the same time unalike. Accordingly, the Federation refers to its 1993 report entitled "Status of sign language", concerning recognition and the right to use sign language, its 1991 report on deaf people in the third world, which deals with deaf education, information services, deaf arts and culture, and finally to the resolution adopted at the twelfth World Congress of the Federation, held in Vienna, in 1995 on the theme "Towards human rights".

B. International Confederation of Free Trade Unions

[Original: English]
[16 November 1995]

1. The International Confederation of Free Trade Unions wishes to make a number of comments in support of the excellent analysis contained in Mrs. Ksentini's report and the accompanying recommendations. Chapter V, section E, entitled "Right to safe and healthy working conditions" (paras. 192 to 194) and section I, "Freedom of association" (paras. 224 and 225) strengthen the overall approach advocated in the recommendations in paragraphs 253 and 255, which acknowledge the contribution of workers and trade unions to the attainment of the objectives of sustainable development.

2. Most of ICFTU's activities in this area are undertaken in conjunction with the Commission on Sustainable Development. In 1995, ICFTU urged the Commission, at its last session, to recognize the existence of a close relationship between sustainable development and observance of trade union rights. It would be desirable to include suggestions along those lines for the Commission on Sustainable Development in the conclusions of Mrs. Ksentini's final report. In her report (para. 225), the Special Rapporteur refers to chapter 29 of Agenda 21, but does not follow up her analysis in the section devoted to recommendations. As the Commission on Sustainable Development does not yet recognize this link between sustainable development and trade-union rights, it would be helpful if the Special Rapporteur could invite it to reflect on the matter.

3. ICFTU intends to stage an international day of mourning on 29 April 1996, when the next session of the Commission on Sustainable Development is to be held, to draw attention to the many cases of workers who have died or been injured at their places of work as a result of unsafe practices. This will highlight the link with chapter 29 of Agenda 21 and demonstrate the extent to which observance of freedom of association can contribute to the full realization of the objectives of Agenda 21. The Commission on Human Rights should consider participating in the day of mourning.

4. With regard to annex II which summarizes the contributions of experts and governmental organizations, ICFTU suggests that, in future, trade unions should be associated with such exchanges of views and information. In addition, the mandate of the special rapporteur referred to in paragraph 260 of the report should cover the whole question of freedom of association, in view of its links with the broad concept of human rights.

5. The question of "employment" is not dealt with as it should have been. Emphasis should be placed on the importance of fully productive and properly remunerated employment enabling persons and groups to work and live in dignity and thus contribute to the creation of the resources needed to eradicate poverty. That is an objective closely linked with human rights and sustainable development. Employment should be considered as one of the pillars of sustainable development and proposals to enhance development should be evaluated in terms of protection of the environment and the promotion of employment. The recommendation in paragraph 259 (f) would carry much more weight if this item was added to the list of themes to be studied.